

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/5/2021

JOHN MURPHY,

Plaintiff,

-against-

BIOTELEMETRY INC., JOSEPH H. CAPPER, ANTHONY J.
CONTI, LAURA N. DIETCH, JOSEPH A. FRICK, KIRK E.
GORMAN, COLIN HILL, TIFFANY OLSON, STEPHAN
RIETIKER, REBECCA W. RIMEL, ROBERT J. RUBIN,
PHILIPS HOLDING USA INC., DAVIES MERGER SUB,
INC., and KONINKLIJKE PHILIPS N.V.,

Defendants.

1:20-cv-11019-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

A review of Court records indicates that the Complaint in this action was filed on December 29, 2020 [ECF No. 1], and that no proof of service of the summons and Complaint has been filed.

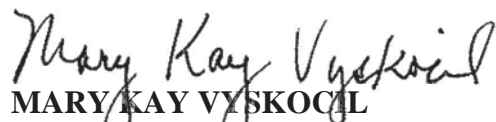
Federal Rule of Civil Procedure 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiff is directed to serve the summons and Complaint on Defendant on or before May 5, 2021. If service has not been made on or before May 5, 2021, and if Plaintiff fails to show cause, in writing, why service has not been made, the Complaint will be dismissed for failure to prosecute, pursuant to Federal Rules of Civil Procedure 4 and 41.

SO ORDERED.

Dated: April 5, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge